

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kimberly Eldridge	Team: Team # 6	CCRB Case #: 200907600	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/15/2009 8:42 PM	Location of Incident: 75th Street train station on the J line	Precinct: 102	18 Mo. SOL 11/15/2010	EO SOL 11/15/2010	
Date/Time CV Reported Fri, 05/15/2009 9:48 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 05/15/2009 10:17 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kit Yung	07057	942737	TB DT20

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Kit Yung	Abuse: Officer Kit Yung stopped § 87(2)(b)	
B.POM Kit Yung	Discourtesy: Officer Kit Yung spoke obscenely to § 87(2)(b)	
C.POM Kit Yung	Abuse: Officer Kit Yung searched § 87(2)(b)	

Synopsis

On May 15, 2009, § 87(2)(b) filed this complaint with the CCRB via the on-line website. On May 18, 2009, § 87(2)(b) filed this complaint with the CCRB via phone. § 87(2)(b) alleged that at approximately 8:45PM on May 15, 2009, Officer Kit Yung of Transit District 20 stopped him as he exited the J train at the 75th Street-Elderts Lane train station in Queens (Allegation A). Officer Yung told § 87(2)(b) to provide identification and then escorted § 87(2)(b) to another part of the train station. Officer Yung asked § 87(2)(b) if he had ever been “locked up,” to which § 87(2)(b) replied that he had not. Officer Yung ran § 87(2)(b) name through the system and upon discovering that he had been arrested in the past, placed § 87(2)(b) in handcuffs. Officer Yung stated to § 87(2)(b) “Oh, so why did you fucking lie to me” (Allegation B). Officer Yung then began to search § 87(2)(b) pockets (Allegation C). Officer Yung gave § 87(2)(b) phone to PO2, who was present but was only observing the incident. After searching § 87(2)(b) Officer Yung stated that he was going to call § 87(2)(b) brother because they were going to arrest § 87(2)(b). Officer Yung, however, had problems turning § 87(2)(b) music off (§ 87(2)(b) was using his cell phone to listen to music). § 87(2)(b) offered to dial his brother’s number, but Officer Yung replied, “Just fucking tell me how to turn this shit off” (encompassed in allegation B). Officer Yung eventually gave the phone to § 87(2)(b) so that he could turn the music off. Officer Yung spoke with § 87(2)(b) brother, who arrived at the scene approximately two minutes later. § 87(2)(b) brother showed Officer Yung a PBA card and Officer Yung removed the handcuffs from § 87(2)(b) wrists. Officer Yung explained that he was not going to arrest § 87(2)(b) but had to release him with a summons because he had already called in the arrest. Officer Yung issued § 87(2)(b) a summons for “unsafe riding” and allowed him to leave the scene.

§ 87(2)(b) identified Officer Yung by name and tax registry number, which was on the bottom of the summons that Officer Yung issued to § 87(2)(b). Therefore, all of the allegations are pleaded against Officer Yung.

When § 87(2)(b) filed this complaint, he provided a phone number, address, and e-mail address at which he could be reached. Between May 20, 2009 and June 8, 2009, the investigator called § 87(2)(b) four times and sent him two please call letters. On May 20, 2009, the investigator discussed the mediation and investigation options with § 87(2)(b) but he was unsure as to whether he wanted to pursue his complaint. On June 8, 2009, the investigator contacted § 87(2)(b) at which time he stated that he wanted to withdraw his complaint because he did not believe that it would be worth it to do so. § 87(2)(b) noted that he was doing so of his own free will and was not coerced into doing so by any member of the NYPD or the CCRB. The investigator sent § 87(2)(b) a withdrawal letter and it will be added to the case file once it is returned.

§ 87(2)(g)

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Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: